

FILED 05 MAR 12 09:41 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

D JACK SCHICKLING, and J
LAUREN SCHICKLING,

Plaintiffs,

v.

BRIAN T. MOYNIHAN, et al.,

Defendants.

12-385-AA
**TEMPORARY
RESTRAINING ORDER**

HOGAN, Judge:

Before the court is plaintiffs' ex parte Motion for Temporary Restraining Order (doc. 2). Plaintiffs contend that a non-judicial foreclosure of their property located at 17620 Highway 26 Walton, Oregon, is scheduled to occur on March 5, 2012. Pursuant to Fed. R. Civ. P. 65(b) and upon review of the Complaint and supporting memorandum and affidavit:

THE COURT FINDS that plaintiffs have raised serious questions with respect to the merits of their claims, in that defendants allegedly have not complied with the legal requirements for valid

non-judicial foreclosure under Oregon law, and that certain assignments of interest and appointments have not been recorded or are otherwise void pursuant to Oregon law; and

THE COURT FURTHER FINDS that plaintiffs likely will suffer irreparable harm if the non-judicial foreclosure of their property is allowed to proceed and that the balance of hardships tips in their favor, given that defendants may have other remedies available to them, such as judicial foreclosure; and

THE COURT FURTHER FINDS that the underlying legal issues cannot be resolved before the non-judicial foreclosure sale will occur or before defendants can be heard, and that the issuance of the temporary restraining order is in the public interest; and

THE COURT FURTHER FINDS that no security shall be required to support issuance of this order pursuant to Fed. R. Civ. P. 65(c), finding that plaintiffs are of limited means and no security is proper in these circumstances.

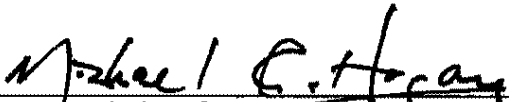
Accordingly, IT IS HEREBY ORDERED that plaintiffs' Ex Parte Motion for Temporary Restraining Order (doc. 2) is GRANTED. Pursuant to Fed. R. Civ. P. 65(d), defendants, their officers, agents, employees, attorneys, and other persons in active concert or participation with defendants, are RESTRAINED and ENJOINED from conducting a non-judicial foreclosure sale of their property located at 17620 Highway 26 Walton, Oregon. This order shall expire at 5:00 p.m. on Monday, March 19, 2012, unless further extended by

the court pursuant to Fed. R. Civ. P. 65(b)(2).

IT IS FURTHER ORDERED that the parties shall appear before Chief Judge Aiken by telephone on Friday, March 16, 2012 at 9:30 a.m., and defendants shall show cause, if any, why this restraining order should not be continued during the pendency of this action as a preliminary injunction. The court shall initiate the call.

IT IS SO ORDERED.

Dated this 5th day of March, 2012.



Michael R. Hogan
United States District Judge